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E.O. 11652: GDS
TAGS: OVIP, (VANCE, CYRUS), SHUM, TECH, PARM, AR
SUBJECT: SECVISIT TO ARGENTINA: MINUTES OF FOREIGN MINISTRY
WORKING SESSION, NOVEMBER 21, 1977

INTRODUCTION AND SUMMARY: THE FOLLOWING IS EMBASSY DRAFT
MEMCON OF FOREIGN MINISTRY WORKING SESSION, MONDAY MORNING,
NOVEMBER 21. THE U.S. PARTICIPANTS INCLUDED THE SECRETARY,
AMBASSADOR CASTRO, ASSISTANT SECRETARIES KATZ, TODMAN, AND
DERIAN, MR. PASTOR AND MR. ZIMMERMANN. ARGENTINE PARTICI-
PANTS INCLUDED FOREIGN MINISTER MONTES, DEPUTY FOREIGN
MINISTER ALLARA, UNDER SECRETARY FOR INTERNATIONAL ECONOMIC
RELATIONS (COMODORO) CURA, AMBASSADOR MUSACCHIO (MULTI-LATERAL
ECONOMIC AFFAIRS), COMMANDER LOUGE (POLICY PLANNING),
MINISTER-COUNSELOR ARLIA (HUMAN RIGHTS), MINISTER-COUNSELOR
MIGUEL ESPECHE GIL (NORTH AMERICAN AFFAIRS) AND OTHERS. THE
MEETING BEGAN AS A WORKING SESSION OF THE POLITICAL AND
ECONOMIC SUBGROUPS TO REVIEW THE ARGENTINE PROPOSED JOINT
COMMUNIQUE.

MR. TODMAN ARRIVED ABOUT 10 MINUTES AFTER THE MEETING BEGAN.
CAPT. ALLARA LED THE ARGENTINE
DELEGATION. FOREIGN MINISTER MONTES AND THE SECRETARY
JOINED THE SESSION ABOUT 50 MINUTES LATER. HUMAN RIGHTS
ISSUES WERE THE MAJOR MATTER DISCUSSED. END SUMMARY.

1. UPON HIS ARRIVAL, MR. TODMAN SUGGESTED THAT THE

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WORKING SESSION DEFER FURTHER DISCUSSION OF THE JOINT
COMMUNIQUE IN ORDER TO PERMIT A SUBSTANTIVE DIALOGUE
CONCERNING OUTSTANDING BILATERAL ISSUES BETWEEN THE U.S.
AND ARGENTINA. TODMAN NOTED THAT THE MAJOR PROBLEM IN

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THE US - ARGENTINE RELATIONSHIP WAS THE HUMAN RIGHTS ISSUE, COMMENTING THAT US LEGISLATION REQUIRES THAT OUR OBSERVATION OF WHAT GOES ON IN ARGENTINA WITH REGARD TO HUMAN RIGHTS BE THE DETERMINING FACTOR IN THE QUALITY OF OUR RELATIONSHIP. TODMAN POINTED OUT THAT U.S. UNDERSTANDING OF THE HUMAN RIGHTS SITUATION -- RIGHTLY OR WRONGLY -- MADE IT IMPOSSIBLE FOR THE U.S. TO DO SUCH THINGS AS CONTINUE TO SUPPLY MILITARY EQUIPMENT AND VOTE FOR ARGENTINE LOANS IN THE IFI'S. HE ADDED THAT THE OCTOBER 1, 1978 DEADLINE WAS APPROACHING AND IF CERTAIN FUNDAMENTAL CHANGES DID NOT TAKE PLACE, THE U.S. WOULD HAVE LEGAL PROHIBITIONS AGAINST MILITARY COOPERATION WITH ARGENTINA.

2. ALLARA STATED THAT ARGENTINA WAS DOING EVERYTHING IN ITS POWER TO CLARIFY THE HUMAN RIGHTS SITUATION. ALLARA'S RECENT INITIATIVE IN HOLDING DISCUSSIONS WITH THE INTER AMERICAN HUMAN RIGHTS COMMISSION IN WASHINGTON WAS A REFLECTION OF THIS COOPERATIVE ATTITUDE. ARGENTINA WAS BEGINNING TO ENGAGE IN A SYSTEMATIC DIALOGUE WITH THE COMMISSION. HE THEN OPENED THE FLOOR TO ANY QUESTIONS. THE U.S. DELEGATION MIGHT HAVE CONCERNING THE SITUATION IN ARGENTINA.

3. MR. TODMAN INVITED MRS. DERIAN TO PROCEED WITH HER QUESTIONS AND COMMENTS. MRS. DERIAN RAISED THE FOLLOWING ISSUES:

(A) PROBLEMS THE INTERNATIONAL RED CROSS (ICRC) HAS BEEN
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ENCOUNTERING IT ITS EFFORTS TO INSPECT ARGENTINE DETENTION CENTERS--- MRS. DERIAN NOTED THAT THE ICRC PRISON VISITS HAD BEEN SUSPENDED SINCE APRIL, 1977. ALLARA, QUITE SURPRISED, REPLIED THAT THE ICRC HAD ACCESS TO ALL ARGENTINE PRISONS. AN AGREEMENT HAD JUST BEEN REACHED WITH ICRC REPRESENTATIVE NESSI PROVIDING FOR CONTINUATION OF THE RED CROSS PROGRAM WHICH WAS TO THE COMPLETE SATISFACTION OF THE ICRC. ALLARA ADDED THAT THE BASIC AGREEMENT, WHICH DEALT WITH THE PROCEDURES TO BE FOLLOWED, ACTUALLY HAD BEEN REACHED 15 DAYS EARLIER (I.E. BEFORE NESSI HAD ARRIVED IN ARGENTINA), BUT TIME WAS NEEDED TO WORK OUT THE DETAILS. ALLARA NOTED THAT THE RED CROSS PROGRAM WOULD RESUME IN DECEMBER AND THE ICRC WOULD BE PERMITTED TO INSPECT MILITARY AS WELL AS REGULAR PRISONS. ALLARA ADDED THAT THE RED CROSS WOULD NOT BE ALLOWED TO SEE

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PERSONS WHO WERE LEGALLY BEING HELD INCOMMUNICADO UNDER THE ARGENTINE CODE OF CRIMINAL PROCEDURE. HE SAID THIS WAS SIMILAR TO INCOMMUNICADO RESTRICTIONS IN EFFECT IN THE FRG. MRS. DERIAN REPLIED THAT SHE DID NOT BELIEVE THAT THE FRG RESTRICTIONS WOULD BAR THE VISITS OF A HUMANITARIAN ORGANIZATION SUCH AS THE RED CROSS. ARLIA ALSO NOTED THAT A DISTINCTION HAD TO BE MADE BETWEEN THE TIME PERIOD AND THE PLACE. THE ICRC WAS FREE TO VISIT ALL PENAL FACILITIES IN ARGENTINA BUT, THERE WERE TIME LIMITS FOR SUCH VISITS.

(B) PUBLICATION OF A CENTRALIZED LIST OF DETAINEES ----- ALLARA STATED THAT FOR QUITE SOME TIME THE GOA HAD BEEN PUBLISHING LISTS OF THOSE BEING PLACED UNDER EXECUTIVE DETENTION AND THOSE RELEASED. SOMETIMES THESE LISTS WERE PUBLISHED IN THE NEWSPAPERS. IN ADDITION TO THIS, THERE WAS A SPECIAL OFFICE IN THE MINISTRY OF INTERIOR STAFFED BY OVER 100 EMPLOYEES TO REPLY TO QUERIES FROM FAMILIES WITH DISAPPEARED MEMBERS. ALTHOUGH THIS INFORMATION WAS NOT AVAILABLE TO THE GENERAL PUBLIC, THE MINISTRY ENTERTAINED REQUESTS FOR INFORMATION FROM ANYONE WISHING

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INFORMATION REGARDING A FAMILY MEMBER. ALLARA OFFERED TO TAKE MRS. DERIAN ON A TOUR OF THE OFFICE, WHICH HAD TO DECLINE BECAUSE OF HER FULL SCHEDULE.

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(C) ANTI-SEMITISM -----

MRS. DERIAN NOTED THAT THERE WAS WIDESPREAD AND GROWING CONCERN ABOUT ANTI-SEMITISM IN ARGENTINA. IT WAS A PROBLEM WHICH WOULD NOT GO AWAY, BEING THE SUBJECT OF MUCH DISCUSSION NOT ONLY IN THE U.S., BUT ALSO AMONG INTERNATIONAL JEWISH ORGANIZATIONS. THE U.S. TOOK NOTE OF THE GOA POSITION THAT THERE WAS NO OFFICIAL POLICY OF ANTI-SEMITISM, BUT GREATER EFFORT WAS NECESSARY TO CLARIFY THIS FURTHER, AS RUMORS OF ANTI-SEMITISM PERSISTED, EMBELLISHED FOR EXAMPLE BY STORIES OF SWASTIKAS ON PRISON WALLS.

ALLARA RESPONDED THAT THERE WAS NO ANTI-SEMITIC ACTIVITY IN ARGENTINA WHICH WOULD WARRANT THE BELIEF ABROAD THAT ANTI-SEMITISM PREVAILED HERE. THE GOA HAD DONE EVERYTHING POSSIBLE TO PROVE THAT A POLICY OF ANTI-SEMITISM DID NOT EXIST. IT WAS INTRODUCING INTO THE PENAL CODE THE CRIME OF RACISM. FEW COUNTRIES COULD BOAST SUCH A GUARANTEE. ALLARA SUGGESTED THAT THE VANCE DELEGATION CONTACT THE ORGANIZED ARGENTINE JEWISH COMMUNITY, WHICH ENJOYED FULL ACCESS TO GOA, TO REASSURE ITSELF ON THIS POINT. THE PREVIOUS FRIDAY, FOREIGN MINISTER MONTES HAD RECEIVED A VISIT OF DAIA REPRESENTATIVES WHO PRESENTED HIM A BOOK PUBLISHED BY THE DAIA HONORING ADMIRAL GUILLERMO BROWN. ALL THEY SPOKE OF IN THIS MEETING WAS THEIR PREOCCUPATION WITH THE PROBLEM IN THE MIDDLE EAST. THERE WAS NO MENTION OF ANY PREOCCUPATION ABOUT EVENTS IN THEIR OWN COUNTRY.

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(D) TIMERMAN AND DEUTSCH CASES ----- MRS. DERIAN POINTED OUT THAT THE ISSUE OF ANTI-SEMITISM IN ARGENTINA WAS FUELED BY THE GOVERNMENT'S ACTIONS AGAINST PARTICULAR INDIVIDUALS SUCH AS TIMERMAN AND THE DEUTSCH FAMILY.

ALLARA STATED THAT THE MILITARY JUNTA HAD INCLUDED TIMERMAN IN THE INSTITUTIONAL ACT OF RESPONSIBILITY AS HE HAD BEEN FOUND TO BE A PERSON RESPONSIBLE FOR DAMAGING THE INTERESTS OF THE NATION. ALLARA HANDED MRS. DERIAN A COPY OF THE LAW WHICH HAD BEEN APPLIED. MRS. DERIAN ASKED HOW LONG TIMERMAN WOULD REMAIN DETAINED, AS THE INSTITUTIONAL ACT DID NOT HAVE ANY TIME LIMITS FOR IMPRISONMENT. ALLARA RESPONDED THAT THAT ACT PROVIDED FOR THE CONTINUED DETENTION OF TIMERMAN UNTIL SUCH TIME AS HE COULD JUSTIFY THAT HE HAD ACQUIRED HIS

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PROPERTIES LEGITIMATELY. TIMERMAN WAS SUSPECTED OF HAVING A FINANCIAL RELATIONSHIP WITH DAVID GRAIVER, ANOTHER JEW. GRAIVER'S FUNDS WERE KNOWN TO HAVE HAD THEIR ORIGIN IN RANSOM MONEY EXACTED BY TERRORISTS FROM THE FAMILIES OF KIDNAP VICTIMS. THIS WAS WHAT HAD TO BE INVESTIGATED.

AS FOR MR. DEUTSCH AND HIS DAUGHTER, STATED ALLARA, THEIR CASE WAS BEFORE THE SECOND FEDERAL COURT AT CORDOBA AND THEREFORE WAS A JUDICIAL MATTER. THE LEGAL PROCESS WAS BEGINNING FOR THEIR ALLEGED CRIMES.

MRS. DERIAN THANKED ALLARA FOR THIS INFORMATION, COMMENTING THAT THERE WAS A PROBLEM IN THAT THE IMAGE OF ARGENTINA ABROAD DID NOT MATCH THE OFFICIAL DECLARATIONS OF ITS GOVERNMENT.

(E) THE PROBLEM OF THE JEHOVAH'S WITNESSES ---- ALLARA SAID THAT THE SUPREME COURT HAD JUST ISSUED A RULING INVALIDATING A GOVERNMENT DECREE WHICH EARLIER HAD BANNED ALL ACTIVITIES

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OF THE WITNESSES. THE COURT ORDER OBLIGED THE EXECUTIVE TO RETURN SEIZED PROPERTY TO THE WITNESSES AND PERMITTED THEM TO START UP THEIR PUBLISHING OPERATIONS IN ARGENTINA AGAIN.

(F) ADDITIONAL SPECIFIC CASES ---- MRS. DERIAN THEN MENTIONED 8 CASES WHERE PRISONERS HAD COMPLETED THEIR SENTENCES BUT HAD NOT BEEN FREED. SHE NOTED THAT THERE WAS U.S. CONGRESSIONAL INTEREST IN THESE CASES WHICH INCLUDED:

FRIAS, EDITH STAHELLI DE

GASPARINI, OSVALDO

GRUTSKY, EDUARDO

GONZALEZ, EDUARDO

GONZALEZ, JUAN

PIOLI, SUSANA

PIAZZA, RUBEN ORLANDO

VARELA, JULIO

SHE WOULD BE GRATEFUL FOR ANY INFORMATION THE MINISTRY

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COULD PROVIDE WITH REGARD TO THESE INDIVIDUALS.

(G) RIGHT OF OPTION PROGRAM ---- MRS. DERIAN ALSO RAISED THE PROBLEMS IN EFFECTING THE RELEASE AND DEPARTURE ABROAD OF EXECUTIVE DETAINEES UNDER THE RIGHT OF OPTION PROCEDURES TO LEAVE THE COUNTRY. ALLARA CONFIRMED THAT THERE WERE PROBLEMS INVOLVED IN IMPLEMENTING THE PROGRAM. ONLY 17 REQUESTS HAD BEEN RECEIVED SO FAR, THE PROBLEM BEING THAT IN ORDER TO MAKE A FORMAL REQUEST THE PRISONER WAS REQUIRED TO HAVE A VISA ISSUED BY A RECEIVING COUNTRY. MRS. DERIAN

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NOTED THAT THE U.S. AND OTHER COUNTRIES' VISA LAWS REQUIRED A CONSULAR OFFICER TO INTERVIEW AN AMPLICANT BEFORE A VISA COULD BE ISSUED AND THAT THIS WAS NOT ALLOWED IN ARGENTINA. ARLIA RESPONDED THAT THE FOREIGN MINISTRY WAS AWARE OF THIS PROBLEM. HE COMMENTED WITH REGARD TO U.S. ACTIVITY IN THIS FIELD THAT THE MINISTRY WAS ALREADY CONSIDERING SPECIFIC CASE -- THAT OF GUILLERMO VOGLER -- AND MUST LOOK TOWARD THE GENERAL SITUATION. (THE SPECIFIC CASE INVOLVED OUR REQUEST FOR MFA TO ARRANGE A CONSULAR VISIT TO MR. VOGLER, WHO HAD ALREADY RECEIVED A CERTIFICATE FROM THE US EMBASSY, TO COMPLETE CERTAIN U.S. LEGAL REQUIREMENTS.) DISCUSSIONS ON THIS MATTER WERE UNDERWAY BETWEEN THE FOREIGN MINISTRY AND THE MINISTRY OF INTERIOR. THE GENERAL PROBLEM OF CONSULAR

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ACCESS TO PERSONS WHO REQUESTED EMBASSY CERTIFICATES TO PROCESS THEIR RIGHT OF OPTION CERTIFICATES PETITIONS WAS MORE DIFFICULT. NOWHERE IN THE WORLD, ARLIA ASSERTED, NOT EVEN IN THE U.S., WERE FOREIGN CONSULS ALLOWED ACCESS TO DOMESTIC PRISONERS. FURTHERMORE, U.S. VISA LAWS DID NOT ALLOW COMMUNISTS, TERRORISTS, OR POLITICAL ACTIVISTS (SIC) ENTRY INTO THE U.S. AND SINCE THESE ARE THE ONLY PEOPLE UNDER ARGENTINE DETENTION, U.S. CONSULAR ACCESS WOULD SERVE NO PURPOSE. ALLARA SUGGESTED THAT PERHAPS, BOTH THE U.S. AND ARGENTINA COULD BEND THEIR RULES FOR HUMANITARIAN PURPOSES.

4. AMBASSADOR AJA ESPIL THEN INTERJECTED A QUESTION ABOUT HOW ARGENTINA COULD IMPROVE THE IMAGE THE WORLD HAD OF ANTI-SEMITISM FLOURISHING IN ARGENTINA. MRS. DERIAN SAID THAT SHE DID NOT HAVE AN EASY ANSWER TO THAT PROBLEM. BUT SHE COULD ATTEST THAT THE ANTI-SEMITIC IMAGE EXISTED AND WAS GROWING.

5. MR. TODMAN SUGGESTED THAT A VISIT TO ARGENTINA BY THE INTERAMERICAN HUMAN RIGHTS COMMISSION (IAHRC) COULD GO A LONG WAY TOWARDS CLEARING UP MISUNDERSTANDINGS AND DISTORTIONS WHICH EXISTED WITH RESPECT TO ARGENTINA. TODMAN ELABORATED ON THE POINT MADE EARLIER THAT LEGISLATION BEFORE THE U.S. CONGRESS WAS CONDITIONED ON WHAT OBSERVATIONS COULD BE MADE WITH REGARD TO WHAT WAS GOING ON IN ARGENTINA, AND THEREFORE A COMMISSION VISIT WAS VERY IMPORTANT.

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ALLARA REITERATED THAT ARGENTINA HAD ALREADY STARTED A DIALOGUE WITH THE IAHRC. AN AGREEMENT HAD NOT YET BEEN REACHED, BUT HE WAS OPTIMISTIC. ALLARA COULD NOT SAY, HOWEVER, WHETHER ARGENTINA WOULD ACCEPT A VISIT BY THE IAHRC, AS THIS MATTER HAD TO BE DISCUSSED BY HIGHER LEVEL OFFICIALS IN THE ARGENTINE GOVERNMENT.

6. AT THIS POINT, SECRETARY VANCE AND FOREIGN MINISTER MONTES ENTERED THE ROOM. MONTES ASKED ALLARA AND CURA TO SUMMARIZE THE PROGRESS WHICH HAD BEEN MADE UP TILL THAT POINT IN THE MEETING.

(A) ALLARA SUMMARIZED AS FOLLOWS: THE ARGENTINE DELEGATION HAD REVIEWED U.S. PROPOSED LANGUAGE FOR THE JOINT COMMUNIQUE, AND HAD MADE SOME ADDITIONAL SUGGESTIONS AND OBSERVATIONS WHICH WERE BEING CONSIDERED BY THE U.S. DELEGATION. THERE

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HAD BEEN A FULL DISCUSSION OF THE HUMAN RIGHTS SUBJECT, THE FOREIGN MINISTRY DELEGATION TRYING TO PROVIDE ALL THE INFORMATION WHICH THE U.S. MEMBERS HAD ASKED FOR, ADDING SOME FURTHER COMMENTS WHERE NECESSARY. BASICALLY, THE CONVERSATION HAD DWELLED ON CERTAIN INDIVIDUAL SYMBOLIC CASES, SUCH AS THAT OF TIMERMAN AND DEUTSCH. ALLARA HAD PROVIDED ALL THE INFORMATION WHICH THE MINISTRY HAD IN ITS POSSESSION. ANOTHER SUBJECT TREATED WAS THE NOTION WHICH EXISTED IN THE U.S. OF AN ANTI-SEMITIC BENT IN ARGENTINE GOVERNMENT POLICIES. ALLARA HAD DISCUSSED THE CASES INVOLVING JEWISH INDIVIDUALS AND HAD STRESSED THAT THERE WAS NO JUSTIFICATION FOR BELIEVING THAT THERE WAS A SYSTEMATIC ANTI-SEMITIC POLICY IN EFFECT IN ARGENTINA. THE ARGENTINE DELEGATION HAD TAKEN COPIOUS NOTES ON THE ISSUES RAISED TO STUDY WHAT ITS MEMBERS COULD DO ABOUT SOLUTIONS. THE RIGHT OF OPTION PROBLEM WAS A MAJOR ONE. THE LAW INVOLVED HAD BEEN FULLY "REGULATED" (I.E. THE PROCEDURES INVOLVED HAD BEEN

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FULLY ESTABLISHED AND WERE IN EFFECT), BUT FEW PEOPLE HAD EXERCISED THEIR RIGHT BY APPLYING. ONE OF THE DIFFICULTIES WAS THAT THE DETAINEES COULD NOT GET APPROVAL UNTIL THEY HAD A VISA IN HAND. GENERALLY, FOREIGN COUNTRIES WOULD NOT TAKE TERRORISTS. THIS MADE THINGS DIFFICULT, AS ALL THE DETAINEES WERE CONNECTED WITH TERRORISM. THE TWO DELEGATIONS HAD DISCUSSED THE POSSIBILITY OF INTRODUCING MORE FLEXIBILITY INTO THE PROCEDURES SO AS TO PERMIT A GREATER NUMBER OF DETAINEES TO EXERCISE THEIR RIGHT OF OPTION.

(B) CURA SAID THAT THE TWO DELEGATIONS HAD EXAMINED PARAGRAPH 10 OF THE DRAFT JOINT COMMUNIQUE ON BILATERAL TRADE AND HAD REACHED FULL AGREEMENT. THE ARGENTINES HAD PROPOSED THE CREATION OF A MIXED COMMISSION TO STUDY MALNUTRITION IN LATIN AMERICA. THIS WAS BEING STUDIED BY THE U.S. DELEGATION, WHICH PROBABLY WOULD APPROVE IT. IN THE AFTERNOON THERE WOULD BE ANOTHER DISCUSSION OF MULTILATERAL QUESTIONS INCLUDING THE INCREASES IN THE INTERNATIONAL PRICE OF OIL PLANNED BY OPEC FOR DECEMBER. THE TWO SIDES ALSO DISCUSSED FOREIGN INVESTMENT AND BILATERAL TRADE QUESTIONS, INCLUDING THE POSSIBILITY OF GREATER ACCESS FOR U.S. GOODS TO THE ARGENTINE MARKET.

7. THE FOREIGN MINISTER SAID THAT HE HAD A FEW MATTERS HE WOULD LIKE TO TAKE UP PRIVATELY WITH THE SECRETARY. MR. VANCE STATED THAT HE WAS PLEASED WITH THE PROGRESS WHICH HAD BEEN MADE IN THE MEETING. IT APPEARED THAT THE

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